



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4999

Introduced 1/27/2022, by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

325 ILCS 20/11

from Ch. 23, par. 4161

Amends the Early Intervention Services System Act. Requires all early intervention services to be initiated as soon as possible but not later than 30 calendar days after the consent of the parent or guardian has been obtained for the child's individualized family service plan. Provides that services may be initiated later than 30 calendar days after the consent of the parent or guardian has been obtained if the multidisciplinary team determines that a later initiation date is necessary to meet the individual needs of the child and family, the child's parent or guardian provides informed written consent for the later initiation date, and the reasons for the later initiation date are documented by the multidisciplinary team. Provides that the parent or guardian must be informed in writing, which may be done electronically if the parent or guardian prefers, that services shall be initiated no later than 30 calendar days after the individualized family service plan has been developed or on a later initiation date as determined by the multidisciplinary team with the informed consent of the parent or guardian. Provides that if services are not initiated within 30 calendar days after the consent of the parent or guardian has been obtained for the individualized family service plan or on a later initiation date as determined by the multidisciplinary team with the informed consent of the parent or guardian, the parent or guardian must be informed by the family's Child and Family Connections service coordinator in writing, which may be done electronically if the parent or guardian prefers, of the family's legal rights and alternative service options available to the family until an early intervention provider is identified, including, but not limited to, providers not currently early intervention credentialed or enrolled in the early intervention program. Effective July 1, 2022.

LRB102 23769 KTG 32960 b

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Early Intervention Services System Act is  
5 amended by changing Section 11 as follows:

6 (325 ILCS 20/11) (from Ch. 23, par. 4161)

7 Sec. 11. Individualized Family Service Plans.

8 (a) Each eligible infant or toddler and that infant's or  
9 toddler's family shall receive:

10 (1) timely, comprehensive, multidisciplinary  
11 assessment of the unique strengths and needs of each  
12 eligible infant and toddler, and assessment of the  
13 concerns and priorities of the families to appropriately  
14 assist them in meeting their needs and identify supports  
15 and services to meet those needs; and

16 (2) a written Individualized Family Service Plan  
17 developed by a multidisciplinary team which includes the  
18 parent or guardian. The individualized family service plan  
19 shall be based on the multidisciplinary team's assessment  
20 of the resources, priorities, and concerns of the family  
21 and its identification of the supports and services  
22 necessary to enhance the family's capacity to meet the  
23 developmental needs of the infant or toddler, and shall

1 include the identification of services appropriate to meet  
2 those needs, including the frequency, intensity, and  
3 method of delivering services. During and as part of the  
4 initial development of the individualized family services  
5 plan, and any periodic reviews of the plan, the  
6 multidisciplinary team may seek consultation from the lead  
7 agency's designated experts, if any, to help determine  
8 appropriate services and the frequency and intensity of  
9 those services. All services in the individualized family  
10 services plan must be justified by the multidisciplinary  
11 assessment of the unique strengths and needs of the infant  
12 or toddler and must be appropriate to meet those needs. At  
13 the periodic reviews, the team shall determine whether  
14 modification or revision of the outcomes or services is  
15 necessary.

16 (b) The Individualized Family Service Plan shall be  
17 evaluated once a year and the family shall be provided a review  
18 of the Plan at 6-month ~~6-month~~ intervals or more often where  
19 appropriate based on infant or toddler and family needs. The  
20 lead agency shall create a quality review process regarding  
21 Individualized Family Service Plan development and changes  
22 thereto, to monitor and help ensure ~~assure~~ that resources are  
23 being used to provide appropriate early intervention services.

24 (c) The initial evaluation and initial assessment and  
25 initial Plan meeting must be held within 45 days after the  
26 initial contact with the early intervention services system.

1 The 45-day timeline does not apply for any period when the  
2 child or parent is unavailable to complete the initial  
3 evaluation, the initial assessments of the child and family,  
4 or the initial Plan meeting, due to exceptional family  
5 circumstances that are documented in the child's early  
6 intervention records, or when the parent has not provided  
7 consent for the initial evaluation or the initial assessment  
8 of the child despite documented, repeated attempts to obtain  
9 parental consent. As soon as exceptional family circumstances  
10 no longer exist or parental consent has been obtained, the  
11 initial evaluation, the initial assessment, and the initial  
12 Plan meeting must be completed as soon as possible. With  
13 parental consent, early intervention services may commence  
14 before the completion of the comprehensive assessment and  
15 development of the Plan. All early intervention services shall  
16 be initiated as soon as possible but not later than 30 calendar  
17 days after the consent of the parent or guardian has been  
18 obtained for the individualized family service plan. Services  
19 may be initiated later than 30 calendar days after the consent  
20 of the parent or guardian has been obtained if the  
21 multidisciplinary team determines that a later initiation date  
22 is necessary to meet the individual needs of the child and  
23 family, the child's parent or guardian provides informed  
24 written consent for the later initiation date, and the reasons  
25 for the later initiation date are documented by the  
26 multidisciplinary team. The parent or guardian must be

1 informed in writing, which may be done electronically if the  
2 parent or guardian prefers, that services shall be initiated  
3 no later than 30 calendar days after the individualized family  
4 service plan has been developed or on a later initiation date  
5 as determined by the multidisciplinary team with the informed  
6 consent of the parent or guardian. If services are not  
7 initiated within 30 calendar days after the consent of the  
8 parent or guardian has been obtained for the individualized  
9 family service plan or on a later initiation date as  
10 determined by the multidisciplinary team with the informed  
11 consent of the parent or guardian, the parent or guardian must  
12 be informed by the family's Child and Family Connections  
13 service coordinator in writing, which may be done  
14 electronically if the parent or guardian prefers, of the  
15 family's legal rights and alternative service options  
16 available to the family until an early intervention provider  
17 is identified, including, but not limited to, providers not  
18 currently early intervention credentialed or enrolled in the  
19 early intervention program.

20 (d) Parents must be informed that early intervention  
21 services shall be provided to each eligible infant and  
22 toddler, to the maximum extent appropriate, in the natural  
23 environment, which may include the home or other community  
24 settings. Parents must also be informed of the availability of  
25 early intervention services provided through telehealth  
26 services. Parents shall make the final decision to accept or

1 decline early intervention services, including whether  
2 accepted services are delivered in person or via telehealth  
3 services. A decision to decline such services shall not be a  
4 basis for administrative determination of parental fitness, or  
5 other findings or sanctions against the parents. Parameters of  
6 the Plan shall be set forth in rules.

7 (e) The regional intake offices shall explain to each  
8 family, orally and in writing, all of the following:

9 (1) That the early intervention program will pay for  
10 all early intervention services set forth in the  
11 individualized family service plan that are not covered or  
12 paid under the family's public or private insurance plan  
13 or policy and not eligible for payment through any other  
14 third party payor.

15 (2) That services will not be delayed due to any rules  
16 or restrictions under the family's insurance plan or  
17 policy.

18 (3) That the family may request, with appropriate  
19 documentation supporting the request, a determination of  
20 an exemption from private insurance use under Section  
21 13.25.

22 (4) That responsibility for co-payments or  
23 co-insurance under a family's private insurance plan or  
24 policy will be transferred to the lead agency's central  
25 billing office.

26 (5) That families will be responsible for payments of

1 family fees, which will be based on a sliding scale  
2 according to the State's definition of ability to pay  
3 which is comparing household size and income to the  
4 sliding scale and considering out-of-pocket medical or  
5 disaster expenses, and that these fees are payable to the  
6 central billing office. Families who fail to provide  
7 income information shall be charged the maximum amount on  
8 the sliding scale.

9 (f) The individualized family service plan must state  
10 whether the family has private insurance coverage and, if the  
11 family has such coverage, must have attached to it a copy of  
12 the family's insurance identification card or otherwise  
13 include all of the following information:

14 (1) The name, address, and telephone number of the  
15 insurance carrier.

16 (2) The contract number and policy number of the  
17 insurance plan.

18 (3) The name, address, and social security number of  
19 the primary insured.

20 (4) The beginning date of the insurance benefit year.

21 (g) A copy of the individualized family service plan must  
22 be provided to each enrolled provider who is providing early  
23 intervention services to the child who is the subject of that  
24 plan.

25 (h) Children receiving services under this Act shall  
26 receive a smooth and effective transition by their third

1 birthday consistent with federal regulations adopted pursuant  
2 to Sections 1431 through 1444 of Title 20 of the United States  
3 Code. Beginning January 1, 2022, children who receive early  
4 intervention services prior to their third birthday and are  
5 found eligible for an individualized education program under  
6 the Individuals with Disabilities Education Act, 20 U.S.C.  
7 1414(d)(1)(A), and under Section 14-8.02 of the School Code  
8 and whose birthday falls between May 1 and August 31 may  
9 continue to receive early intervention services until the  
10 beginning of the school year following their third birthday in  
11 order to minimize gaps in services, ensure better continuity  
12 of care, and align practices for the enrollment of preschool  
13 children with special needs to the enrollment practices of  
14 typically developing preschool children.

15 (Source: P.A. 101-654, eff. 3-8-21; 102-104, eff. 7-22-21;  
16 102-209, eff. 11-30-21 (See Section 5 of P.A. 102-671 for  
17 effective date of P.A. 102-209); revised 12-1-21.)

18 Section 99. Effective date. This Act takes effect July 1,  
19 2022.